

FIRST DIVISION

[G.R. No. 197042, October 17, 2011]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIET OLACO Y POLER, ACCUSED-APPELLANT.

R E S O L U T I O N

LEONARDO-DE CASTRO, J.:

Before Us is an appeal filed by Juliet Olaco y Poler (Olaco) assailing the Decision^[1] dated January 20, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02756, which affirmed with modification the Decision dated March 5, 2007 of the Regional Trial Court (RTC) of Las Piñas City, Branch 198, in Criminal Case No. 04-0746.^[2] In the March 5, 2007 Decision, the RTC found Olaco guilty beyond reasonable doubt of the crime of Qualified Theft.

In an Information dated August 24, 2004, Olaco was charged with Qualified Theft, committed as follows:

That on or about the 21st day of August 2004, in the City of Las Pinas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating with one alias Rena, Victor Catulong, Roland Baroga and alias Roger, whose true identities and whereabouts are still unknown and all of them mutually helping and aiding one another, accused OLACO being the housemaid of Ruben Vinluan y Torno, and as such enjoying the trust and confidence reposed upon her by her aforementioned employer, with intent to gain and without the knowledge and consent of the owner thereof and with grave abuse of confidence, did then and there willfully, unlawfully and feloniously take, steal, and carry away the following items, to wit:

<u>ITEMS</u>	<u>AMOUNT</u>
Three (3) Men's Necklace	
Two (2) Gold Necklaces	P120,000.00
One (1) White Gold Necklace	60,000.00
Three (3) Men's Bracelet	
Two (2) Gold Bracelets	50,000.00
One (1) Two-tone Bracelet (Gold and White Gold)	45,000.00
Ashworth Bracelet (brown)	10,000.00
US Dollar 1,000 cash, in peso equivalent	55,000.00
One Men's White Gold with 8 diamond (20K)	120,000.00
One (1) set Earring and Pendant	

Egg shape South Sea Pearl with diamonds	60,000.00
One (1) GUCCI Ladies Watch	250,000.00
One (1) DKNY Ladies Watch	15,000.00
One (1) Cartier Ladies Watch	35,000.00
One (1) set of Necklace & Bracelet 24K Gold	40,000.00
One (1) Solid Gold 24K Necklace	25,000.00
One (1) Pendant with 3 diamonds each .51K	25,000.00
One (1) Gold 18K Chain	10,000.00
One (1) 18K Gold Chain with Pendant Blessed Virgin	18,000.00
One (1) Bracelet 24K twisted design	12,000.00
One (1) 18K Gold Chain 18 inches long With 18K Cross Pendant	20,000.00
One (1) Bundle New Bills P20 denominator	2,000.00
One (1) bag of coins P1.00	100.00

belonging to Ruben Vinluan y Torno to the damage and prejudice of the aforementioned owner thereof in the total amount of P972,100.00.^[3]

The case was docketed as Criminal Case No. 04-0746 before the RTC.

When arraigned, Olaco pleaded not guilty.

After trial on the merits, the RTC rendered a Decision on March 5, 2007, finding Olaco guilty and sentencing her thus:

WHEREFORE, premises considered, this Court finds the accused JULIET OLACO y POLER GUILTY beyond reasonable doubt of the crime of Qualified Theft as defined and penalized under Article 310 of the Revised Penal Code, and hereby sentences said accused to suffer the penalty of reclusion perpetua. She is likewise ordered to indemnify the offended party in the sum of Nine Hundred Seventy-two Thousand One Hundred Pesos (Php972,100.00) representing the total value of the cash and jewelry taken by the accused without subsidiary imprisonment in case of insolvency, with costs.^[4]

On March 26, 2007, Olaco was committed to the Correctional Institution for Women in Mandaluyong City.^[5]

Olaco filed an appeal before the Court of Appeals, which was docketed as CA-G.R. CR.-H.C. No. 02756. In a Decision promulgated on January 20, 2011, the appellate court denied Olaco's appeal and affirmed with modification the RTC judgment, to